FA News

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FOOTHILL - DE ANZA FACULTY ASSOCIATION

President's Report

Governor's January Budget Proposal Disappoints But May Improve

by Richard Hansen, FA President

When advocates met over the summer to craft the community college system Budget Change Proposal (BCP) for 2017-18, all believed this would the year in which the Governor's Office would run out of finding new ways for the colleges to spend money. It was anticipated that attention would turn toward rebuilding the core budget items that keep the colleges running, items that suffered under a more than 16 percent loss of purchasing power during the Recession.

Hansen

Unfortunately, the advocates were wrong. Funding improvements over the last four years have been tied to new initiatives with new workload demands on this already stressed base. These initiatives include the Student Success and Support Program ($299.2 million), Equity ($155 million), Adult Education ($500 million), and the Strong Workforce Program ($248 million), all richly funded, but all coming with their own set of workload and expenditure requirements. None of these programs see an augmentation in the January budget; instead, the largest gain is $150 million in one-time money provided to kickoff a Guided Pathways project, another think-tank educational reform proposal that has caught the eye of the Governor's Office. Details are yet to be provided in the budget trailer bill, but this project is meant to leverage the above mentioned initiatives in their work toward assuring students meet their educational goals.

BCP requests for $100 million for full-time faculty hiring and $25 million for part-time faculty health benefits and compensation equity were ignored, as was $10 million for professional development opportunities for faculty, staff, and administrators.

The BCP request for a COLA that was based on a guess that the statutory (institutional) inflation rate would come in at about 1 percent was increased to 1.48 percent under the governor's January proposal, and a like percentage was allocated for educational services categoricals for a total augmentation of $99.5 million. However, the request for a $200 million general fund base allocation was pared down to $23.6 million in the January proposal.

Enrollment growth was funded at $79.3 million to support a 1.34 percent expansion of access throughout the system, but only a few districts will be able to claim these funds. Most of these are in Southern California, and unfortunately, Foothill-De Anza remains on a negative trajectory with a 247 full-time equivalent student (FTES) loss currently projected for Winter 2017 in comparison to Winter Quarter last year. $3.1 million was allocated for enrollment growth in the Full-Time Student Success Grant Program.

In addition, the BCP contained a list of small project requests, most of which were ignored. Two exceptions were $10 million for the Online Education Initiative and $6 million for Integrated Library Systems. Somewhere and for some reason, $20 million was found to fund an Innovation Awards Program, which will be run through the Chancellor's Office. And, the Chancellor's Office will be granted two new executive staff positions.

Of interest mainly to the California State University system, but also notable for the community colleges, the governor's January budget proposes phasing out the Middle Class Scholarship Program for new students; that is to say awards will only be renewed for those granted these scholarships in 2016-17.

Overall, this is a frugal budget couched in terms of a slowing rate of growth in state revenues. Both K-12 and the community colleges are disadvantaged by revenue projections that indicate a smaller Proposition 98 funding guarantee. As a result of current revenue uncertainty, the January budget proposal shorts the community colleges with

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Negotiations Update

Team Endures An Epic Slog to Epsilon

by Kathy Perino, FA Chief Negotiator

In mathematics, the lower case Greek letter epsilon, ε, represents a number that is super duper teeny tiny. ε is greater than zero, but barely. The current pace of negotiations on the *2016-19 Agreement*, the Reassigned Time Task Force, and the Non-Instructional Load Task Force is ε. It is painfully slow progress.

2016-19 Agreement

The major sticking point in the negotiation of the *2016-19 Agreement* is *Article 6A* – Probationary Faculty. The current *Article 6A* defines a "prob-zero" year, an academic year that does not count toward tenure, as any academic year in which the probationary faculty member serves less than 75 percent of the days and load. California Education Code sets the 75 percent requirement for year one, but the required service for years two, three, and four of the tenure process is negotiable. FA believes that setting the service requirement at 75 percent for the other years of tenure is unnecessarily high and disproportionately affects faculty who take a quarter of maternity or the new family leave.

FA has heard from probationary candidates and their tenure committees. They express frustration that although the required evaluations are complete and show no major areas of concern, the candidate is prevented from progressing. In some cases, the entire phase two is complete with Board approval to move to phase three, but because the faculty member is on leave the following Spring quarter, the year is declared prob-zero and the Board approval is undone.

FA is proposing a change in *Article 6A* that allows for the academic year to count toward tenure if the service provided by the faculty member is at least 60 percent of full-time and the tenure committee agrees that this level of service provides sufficient opportunity for evaluation of the probationary faculty member. The proposal includes a process in which the tenure committee can request that a year be declared a prob-zero year if it believes that the service provided did not allow for sufficient evaluation of the candidate. The request would be made to the the College President.

FA believes that all tenure review decisions, including the need for a declaration of a prob-zero year, should be kept by and within only the tenure review committee and the President of the College. The District has stated that the campus administration has concerns about having enough time to evaluate all aspects of the job, such as participation in departmental duties, committee service, and other activities outside of the classroom. But in the person of Division Deans and Vice-Presidents, the campus administration is already very involved in the tenure committee meetings and recommendations. Under FA's proposed language, if the Dean or Vice-President does not believe that the service is sufficient to evaluate, the committee can request a prob-zero year. But, if the members of the committee do believe the service is sufficient to evaluate these activities, the committee and the candidate can progress through the process with no delays.

Perino

At the most recent negotiation session on this matter, the District proposed a special "appeal process" in cases when the committee does not feel a prob-zero year should be declared. FA is not interested in introducing a new layer of appeal involving faculty and administrators not already involved in the

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Budget Proposal. . .

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respect to their share of Proposition 98 funding. Traditionally, the community colleges get 10.93 percent of the funding amount, but the January budget grants them only 10.87 percent, representing $45 million less than what would normally be expected.

The Department of Finance (DoF), the group advising the governor, cites a $1 billion December shortfall in fiscal year revenue projections to justify caution. As a corrective, the DoF is proposing a reduction of $885 million in the 2017-18 Proposition 98 guarantee to K-12 and the community colleges to balance the accumulating shortfall.

In contrast, the Legislative Analyst's Office (LAO) is predicting a turnaround in the Spring that could erase the need for this reduction. Further, it says additional revenues of $2 billion would translate into an additional $500 million for K-12 and the community colleges, while $4 billion would produce an additional $1.5 billion.

April will be the month to watch, as revenue reports that month will be important to the May Budget Revision. If additional revenues materialize, faculty advocates will press for funding the full-time faculty hires, part-time faculty categorical restoration, and base allocation augmentation.

Epic Slog . . .

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tenure process. The tenure committee and the President of the College have all the information needed for these decisions.

Reassigned Time Task Force

The Reassigned Time Task Force (RAT) met twice during Fall quarter. The members of the RAT include three current or former department chairs and myself representing faculty, and two Vice-Presidents of Instruction and a Division Dean representing administration.

At our first meeting, the RAT agreed that we would focus on reassigned time and extra pay that the campuses provide for the duties associated with coordination of departmental or division duties. Specifically, how much work are faculty doing to help the dean run the division, and what is the compensation for this work? We agreed that we needed to collect this data, and after gathering the data we would work to understand the factors involved in determining the amount of time or pay granted for the work.

In addition to a report from each campus stating the reassigned time or extra pay given for each department or division, FA requested a report on the other factors that may influence the amount of time or pay given for the duties, including the number of full-time faculty in the area, the number of full-time equivalent faculty in the area (a measure of number of part-time faculty), and the number of sections offered in the area. FA agreed to start analyzing the data once it was provided by the District.

The above information was requested in October. As of now, we have received nothing from the De Anza administration and only partial information from the Foothill administration. If neither campus administration is interested in a change in the Reassigned Time practice, then delay is one strategy. However, agreeing to discuss and form a task force only to later delay progress is bad faith bargaining. If FA makes no progress in this area, the faculty performing the duties will be left with the choice to continue or to refuse to perform these tasks.

Non-Instructional Load Task Force

The Non-Instructional Load Task Force met twice in the Fall Quarter. FA heard concerns from administration primarily about workload in counseling at both campuses. FA has also surveyed non-instructional faculty regarding issues related to workload.

FA understands the concerns of the administration, but has yet to receive an understandable proposal from the administration regarding how to address these concerns. Once we have a proposal from the District, we will discuss the proposal and implications with all affected faculty.

ε. At least it is greater than zero.

Register Early For FACCC Conference

The FACCC conference, held in Sacramento March 5 and 6, includes workshops on student equity, lobbying, and state politics. On Monday, March 6, during the afternoon, you will have a chance to directly lobby the State Assembly and Senate.

Speakers include Cynthia Mosqueda, FACCC Board Member, Dean Murakami, FACCC Vice President, and Richard Hansen, Past President of the California Community College Independents and FA's own president. The keynote peaker is Dr. Wes Beavis.

Because last year the FACCC conference sold out well in advance and because FA wants to encourage faculty to take advantage of the professional conference and equity funds still available, apply now(after January 31 there is a modest increase in registration rates). Foothill-De Anza faculty are eligible for the partner rate. For the agenda, to register, and to learn more, go to http://www.faccc.org/event/2017-advocacy-policy-conference/.

FSA Deadline February 15

Faculty are affected by the Faculty Service Area(s) (FSA) they hold only during a Reduction in Force (RIF), the scaling down or elimination of a program or service (see *Article 15*). So, should faculty have multiple FSAs? The benefit of holding more than one FSA is that during a RIF, which is done in reverse order of seniority, faculty may have more options if their program or service is reduced or eliminated. The downside is that during a RIF faculty may not want to be "re-assigned" to a different FSA even if qualified for it.

For faculty who meet the criteria and want to apply for an additional FSA, the deadline is February 15. Eligibility requirements are 1) meeting state minimum qualifications in the desired FSA (or possessing a valid credential) and 2) demonstrating "competence" by satisfactorily teaching a course in the FSA or through employment at another institution under certain conditions (*Article 15.6.1.2*).

The application form is available in the campus personnel office: Cynthia Smith at De Anza (408.864.8260) and Nancy Cortes at Foothill (650.949.7454). Faculty with questions should contact Smith or Cortes or the FA office (650.949.7544).

Update:

Progress Made on Securing Stipend Option for Canvas Conversion

by Kathy Perino, FA Chief Negotiator

The District and FA are making progress negotiating a stipend option for faculty who either convert a course from Etudes (Foothill) or Catalyst (De Anza) to Canvas, or develop a new course in Canvas.

As described in the article in the November *FA News* (http://fafhda.org/fanews/2016/Nov-16-FA-News.pdf), faculty currently can earn from one to three units of PGA credit for conversion of an online course to Canvas.

However, part-time faculty and some full-time faculty do not need Professional Growth Credit and FA proposed a stipend option for these faculty.

FA has proposed a maximum stipend of $1500 per faculty employee, which can be earned through conversion or development of a combination of online courses and hybrid courses.

The stipend for each individual course would depend on the number of weekly contact hours taught online. For example, a five-unit online lecture course would earn a higher stipend than a three-unit online lecture course. Exact dollar amounts for courses are still under negotiation.

The District has agreed to some level of stipend. However, they are not interested in providing a stipend to a faculty member who has never taught a course online, or who is unlikely to ever do so based on the course offerings or scheduling practices in the division.

In addition, the District is interested in some type of peer review as part of the stipend process, primarily to encourage conversation between faculty regarding online instruction.

We are continuing discussion around this idea, trying to provide a peer review that is not onerous and does not resemble an official evaluation. The goal appears to be to start a conversation about online pedagogy, not evaluate the course.

In addition to the peer review discussion as part of the stipend application process, the need for more professional development opportunities in the area of online pedagogy and practices arose. Professional development in general is something that many faculty want, but it is often one of the first items cut when the budget difficulties begin. With enrollment in the District declining again, this will certainly be part of the discussion, as well as whether we should increase online offerings, particularly at De Anza.

Some administrators claim that an increase in online course offerings will stabilize our enrollment. At the same time other administrators say they are against an increase in online course offerings because of their higher attrition rates. Some believe online courses keep us from our equity goals, while others believe online courses help achieve equity goals.

How online learning fits into the district-wide enrollment goals is unclear at this time.

What is clear is that faculty, and students, must be involved in all of these discussions as we set District enrollment goals. If, as a district, we continue to offer more courses online or hybrid, FA will continue to push for compensation in the form of PGA credit or stipends for the work required.

NEWS

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FA News is published nine times during the academic year by the Foothill-De Anza Faculty Association, an independent California corporation certified by the California Public Employment Relations Board as the exclusive employee representative for the faculty of the Foothill-De Anza Community College District.

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2016 FACCC Tax Deduction

Part of FA monthly dues goes to the FACCC Education Institute, and 100 percent of this amount is a charitable deduction.

For full-time faculty who worked all three quarters of 2016, the tax deductible amount is $162.00 ($54.00 per quarter). For part-time faculty who worked all three quarters of 2016, the deduction is $45.00 ($15.00 per quarter).

Know Your Contract: A Review of Retirement Options

If you're 55 or older and thinking about retirement—and who at that age isn't, these days?—the contractual options available to you are discussed below, each with its own pluses and minuses.

More details on the referenced articles below are in the *2013-2016 Agreement* (fafhda.org).

Resignation v. Retirement

"Resignation" means terminating employment in the District regardless of age; i.e., you are quitting your job. If you are resigning for the purpose of retirement, you should specify so in your notification letter to the Dean and/or college President (see *Article 30*).

"Retirement" means that you file under the appropriate retirement system—STRS or PERS or, for some part-time faculty, Social Security—and begin collecting a pension.

STRS/PERS 180 Day Rule

Faculty are advised that effective January1, 2013, STRS/PERS may prohibit employment, enforce certain restrictions, or reduce the retirement benefit during the first 180 calendar days following the effective date of becoming a retiree annuitant under either program. Therefore, retirees are discouraged from returning to STRS/PERS covered employment with the District for 180 days following the effective date of retirement.

Article 19 Emeritus Program

Summary: *Article 19*, which is available for up to five years to newly retired full-time faculty, provides post-retirement employment paid at the rate of your final full-time salary (including PAAs); in return, you perform the pro-rata share of all your former duties, including attending division/department meetings.

The maximum earnings under this article is the STRS "maximum allowable earnings limit" in place at the time of your retirement (for 2016-2017, the limit is $41,372), and remains as your limit throughout your entire *Article 19* participation. This earnings limit determines the load you can teach: for example, $41,372 / $100,000 (salary including PAAs) means that you can be assigned up to 41 percent of an annual load (e.g., four classes loaded at .100 each or, for example, three classes loaded at .125 each), assuming that sufficient assignments are available.

If there is a "margin" between the loaded assignments and the STRS maximum allowable earnings limit, you may be able to earn compensation up to the maximum allowable under the provisions of *Article 19.5*. Faculty are barred from "negotiating" over the pay rate, and the following are prohibited: accepting reduced pay for an assignment, combining *Article 19* and *Article 7* part-time pay for the same assignment, and "volunteering" to perform part of the assignment for "free."

Pluses: Since you must retire to participate in the *Article 19* program, you receive income from STRS/PERS and also from your post-retirement work in your division.

As an *Article 19* faculty member, your compensation is based on the *Appendix A* schedule in place at the time of your retirement—which is always higher than the part-time pay rate. Your District-paid life insurance remains in effect while you remain on the program. You get assignments after full-time/*Article 18* faculty get theirs, but prior to the scheduling of *Article 7* faculty (both part-time and full-time faculty teaching overload). You get non-cumulative pro-rata paid sick leave and personal necessity leave.

Minuses: If an assignment is cancelled due to low enrollment, you can't "bump" anyone else, so you may lose an assignment during that quarter unless the District finds other work for you (*Article 19.7*).

If you fail to fulfill your Annual Plan (for reasons other than illness or assignment cancellation), you will be dropped from the program.

And, if working under *Article 19* creates a six-consecutive quarter "break in-service" under *Article 7,* you will lose your part-time reemployment preference (REP).

Article 21 Post-Retirement Employment

Summary: Under this article, newly retired full-time faculty may continue working as "super part-timers" for up to two years. To apply, you specify your interest in your letter of resignation (*Article 30*).

Pluses: An *Article 21* faculty member is essentially an *Article 7* part-time instructor for up to two years following retirement, but with some additional "super part-timer" benefits: (1) you are given assignments before all other *Article 7* part-time and overload faculty; (2) you are compensated at the highest part-time *Appendix C* rate; (3) if you had part-time reemployment preference before going on *Article 21*, you retain it after completing *Article 21* employment, and, (4) if you didn't have part-time reemployment preference (REP) before going on *Article 21*, you earn REP credit for each quarter of *Article 21* employment.

As with *Article 19*, you receive PERS/STRS retirement benefits in addition to your *Article 21* income. You might choose this option over *Article 19* so as not to be bound by an Annual Plan: if your needs or interests change, you can simply request "no assignment" for particular quarters.

Minuses: Like *Article 7* and *19* employees, you don't have any "bumping rights," so if you lose a class due to low enrollment you probably won't get another assignment until the following quarter. Like all other *Article 7* employees, you earn one non-cumulative personal necessity leave day and two cumulative sick leave days per quarter of *Article 21* employment (less than *Article 19* retirees).

Article 7 Part-Time Faculty

Summary: Some full-time and part-time retirees return to the District as part-time faculty members under *Article 7*.

Pluses: You receive *Article 7* compensation in addition to STRS/PERS retirement benefits. If you earned *Article 7* reemployment preference prior to retirement, you retain it for future *Article 7* assignments in your retirement (provided no break in service of six consecutive quarters occurs).

Minuses: You are an *Article 7* part-time employee, but without earning STRS/PERS service credits since you are retired. *Article 7* compensation and benefits are less than those under *Articles 19* and *21*. You are not guaranteed an assignment; you cannot "bump" anyone; *Article 7* faculty are scheduled last and, if you don't have reemployment preference, you may not get an assignment at all. If you do have reemployment preference, you will lose it if you have a six quarter break in service (*Article 7*).

Faculty with questions can call their campus conciliator or the FA office (650.949.7544).

Winter/Spring Contract Deadlines

Feb. 6: Professional Development Leave Committee makes recommendations to the Board at its meeting in February (*17.12.3*).

Mar. 1: Full-time faculty submit written initial request for *Article 18* pre-retirement reduction in contract to college president (*18.8.2, Appendix W*). See *18.9* to request percentage changes in subsequent years.

Mar. 10: Part-time faculty file intention to change salary column starting in the Spring Quarter with campus Personnel Office (*Appendix B.1, C, E, G*).

Mar. 15: *Article 19* faculty submit to District Human Resources the annual Early Retirement Service Plan for the following academic year with all required signatures for second and subsequent years of participation (*19.6.2.2, Appendix U1*). See *19.6.1* for initial year of participation.

Mar. 15: Board notification to probationary or other faculty whose contracts will not be renewed (California Ed. Code).

Apr. 3: Full-time faculty submit written request to return to full-time employment status from *Article 18* pre-retirement reduction in contract (*18.4*).

Apr. 7: Part-time faculty submit completion of requirements documentation for column change starting in Spring Quarter to campus Personnel Office (*Appendix B.1,C, E, G*).

Apr. 17: Full-time faculty submit application for Training/Re-Training (*Appendix R*) to District Office of Human Resources (35.6).

June 1: Full-time faculty submit Professional Growth Activities to campus Personnel Office (*Appendix A, B*) and/or Professional Achivement Award application (38.3).

June 30: Full-time faculty file intent to change salary column for the (next) academic year with campus Personnel Office (*Appendix A, B*).

June 30: Full-time faculty submit written requests for reassignment (12.2) or campus transfer to HR Vice Chancellor.

July 3: Full-time faculty submit Professional Achivement Award application to division dean (38.2.1, 38.3).

December Paychecks Explained

The 2015-16 Compensation Agreement included a transfer of $800,000 to the Voluntary Employee Beneficiary Association fund (VEBA, the fund set up for post-97, post age 65 Medicare-eligible retirees).

This money was divided among benefit-eligible full-time employees and run through payroll on a pre-tax basis in the December 2016 paychecks. The Employee Benefit Allowance (EBA) of $742.51 appears under Earnings. The Mandatory Employee Contribution (MEC) of $742.51 appears under Deductions.

To view Earnings and Deductions in MyPortal, use the Employee tab, then under Employee Web Services there is a listing for Pay Information, with a link for Earnings history and Deductions History.

The $800,000 will be transferred to the VEBA Trust bank account in January 2017. There will be no net effect to employees. The EBA and MEC do not affect reporting to PERS and STRS and have no tax implications.

Note that only benefit-eligible full-time employees had this simultaneous earning/deduction.